REMARKS

The Office action dated October 6, 2003 and the cited references have been carefully considered.

Status of the Claims

Claims 1-41 are pending. Claims 33-39 are withdrawn pursuant to an election made earlier to prosecute claims 1-32 and 40-41 currently.

Claims 40 and 41 are allowed. Claims 2-19, 21-25, 31, and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicants wish to thank the Examiner for indicating that claims 40 and 41 are allowed and claims 2-19, 21-25, 31, and 32 are allowable. Claims 2, 18, 22, 24, 25, and 31 have been rewritten in independent form including all of the limitations of claim 1 upon which they depend. Claims 3-17 depend upon claim 2directly or indirectly; claim19 and 21 depend upon claim 18; claim 23 depends upon claim 22; and claim 32 depends upon claim 31. Therefore, these claims are now in condition for allowance. Early allowance is respectfully requested.

Claims 1 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Gu et al. (hereinafter "Gu"). Claims 26-29 are rejected under 35 U.S.C. § 102(b) as being anticipated by Perlo et al (hereinafter "Perlo"). Claim 30 is rejected under 35 U.S.C. § 102(b) as being anticipated by Isaka et al. (U.S. Patent 5,936,347; hereinafter "Isaka"). The Applicants respectfully traverse all of these rejections for reasons set forth below.

Claim Rejection Under 35 U.S.C. § 102(b)

Claims 1 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Gu. The Applicants are puzzled by the rejection of claim 20 under 35 U.S.C. § 102(b) because this claim depends upon claim 18, which the Examiner indicated as being allowable if rewritten in independent form. A claim is allowable if the claim upon which it depends is

allowable. Since claim 18 has been rewritten in independent form and is in condition for allowance, claim 20 also is in condition for allowance.

The Applicants respectfully traverse the rejection of claim 1 because Gu does not disclose each and every element of each of claim 1.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a *single* prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Gu discloses that his organic light emitting layer is disposed on a plurality of mesas, each of which has the shape of a truncated cone. The organic light emitting layer is specifically disposed on the smaller base of the truncated cone (see Fig. 4) so that light transmitted through the truncated cone is reflected on the wall thereof by the mechanism of total internal reflection (due to the large difference between the indices of refraction of the truncated cone and the medium adjacent to its wall), thus, reducing the critical angle loss.

In contradistinction, claim 1 recites an output coupler having an index of refraction that matches an index of refraction of a layer of the adjacent light emitting assemblage. Gu does not disclose this limitation either expressly or inherently.

Since Gu does not disclose each and every element of claim 1, Gu does not anticipate this claim.

Claims 26-29 are rejected under 35 U.S.C. § 102(b) as being anticipated by Perlo. The Applicants respectfully traverse this rejection because Perlo does not disclose each and every element of each of claims 26-29.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a *single* prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis

added). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Although Perlo discloses a substrate, at least one of two surfaces of which is shaped with a plurality of microprojections (column 2, lines 5-7), Perlo does not disclose expressly or inherently a shaped transparent material that contains nanoparticles having size of less than 100 nm, as is recited in claims 26-29.

Since Perlo does not disclose each and every element of each of claims 26-29, Perlo does not anticipate these claims.

Claim 30 is rejected under 35 U.S.C. § 102(b) as being anticipated by Isaka. The Applicants respectfully traverse this rejection because Isaka does not disclose each and every element of each of claim 30.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a *single* prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Although Isaka discloses a light scattering layer disposed on either first or second substrate, nowhere does Isaka disclose that the scattering particles have a size from about 0.1 to about 20 microns, as is recited in amended claim 30. Nor can a size of particles be inferred from the totality of Isaka's teaching.

Since Isaka does not disclose expressly or inherently each and every element of claim 30, Isaka does not anticipate this claim.

In view of the above, it is submitted that the claims are patentable and in condition for allowance. Reconsideration of the rejection is requested. Allowance of claims at an early date is solicited.

Respectfully submitted,

Toan P. Vo

Toan P. Vo, Ph.D.
Attorney for the Applicants
Registration No. 43,225
(518)387-6648

Schenectady, New York
December 29, 2003